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HOUSE RESOLUTION 15
By DeBerry L

A RESOLUTION concerning special house committees.

WHEREAS, bankruptcy rates in the United States have escalated dramatically in recent years, with well over one million consumers filing for protection annually; and

WHEREAS, bankruptcy, in and of itself, has become an industry, with special courts dedicated exclusively to hearing bankruptcy cases, attorneys focusing exclusively on bankruptcy clients, and businesses comprised solely of consultants who assist bankrupt individuals in regaining their financial equilibrium; and

WHEREAS, while the purposes of bankruptcy are laudable - to give debtors a fresh financial start and to give creditors an equal distribution of assets - the increase in the number of filings in the United States is alarming, as is the increase in the number of filings in Tennessee; and

WHEREAS, even though national bankruptcy filings have been escalating at a faster rate than filings in our state, Tennessee still heads the list in bankruptcies per capita; and

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WHEREAS, although total bankruptcies in our state include both business and consumer filings, bankruptcy is primarily a problem involving individual consumers in Tennessee, with personal bankruptcies comprising 98% of the total filings; and

WHEREAS, with one filing for every 39 households, personal bankruptcy has become a major concern in Tennessee; only California, Florida, Georgia, Illinois, New York, Ohio and Texas have more non-business filings for bankruptcy annually; and

WHEREAS, in recent years, Congress has been searching for ways and means to rein in skyrocketing bankruptcy rates and has been investigating the possible relationship between bankruptcy rates and credit lending and marketing practices in the United States; and

WHEREAS, the General Assembly is particularly concerned about the accumulation of credit card debt among young people, including college students, and the relationships between credit card companies and institutions of higher education; and

WHEREAS, with bankruptcy rates skyrocketing in our own state, bankruptcy is a subject worthy of extensive study and investigation by this House; now, therefore,

PART 1

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, That there is hereby created a Special House Committee to study bankruptcy in Tennessee.

BE IT FURTHER RESOLVED, That the committee may examine bankruptcy rates — particularly among young adults — bankruptcy laws, credit marketing regulations, and all other relevant issues in order to identify possible patterns and trends relative to bankruptcy in Tennessee.

BE IT FURTHER RESOLVED, That the committee shall consist of five (5) members of the House of Representatives, to be appointed by the Speaker of the House.

BE IT FURTHER RESOLVED, That all appropriate state agencies shall provide assistance to the Special House Committee upon the request of the Chair.

BE IT FURTHER RESOLVED, That all members of the committee who are duly elected members of the General Assembly shall remain members of such committee until the committee reports its findings and recommendations to the General Assembly.

BE IT FURTHER RESOLVED, That the committee shall be convened by the member with the most years of continuous service in the General Assembly, and at its first meeting shall elect a Chair, Vice-Chair, and any other officers the committee deems necessary.

BE IT FURTHER RESOLVED, That the committee shall timely report its findings and recommendations, including any proposed legislation, to the One Hundred Second General Assembly no later than February 1, 2002, at which time the committee shall cease to exist.

PART 2

WHEREAS, in November of 1999 the Consumer Product Safety Commission reported that there were 6,300 emergency department-treated fireworks injuries across the country during the period of June 23 through July 23, 1999 when 60-74% of all fireworks injuries occur; and

WHEREAS, in 1998, thirteen fireworks-related deaths were reported to the CPSC; some of those reported deaths, as well as 600 of the reported injuries, occurred from items banned by the federal government, such as large, reloadable tube devices, cherry bombs, aerial bombs, M-80s, quarter sticks, half sticks and other large firecrackers containing more than 50 milligrams of explosive powder; and

WHEREAS, many such dangerous items are made available throughout the United States, including Tennessee, by unregulated purveyors of such items banned under the Federal Hazardous Substances Act. Since 1988 the CPSC, working with the U. S. Customs Service, has seized or detained over 400 million hazardous fireworks at docks across the country; and

WHEREAS, CPSC, the Bureau of Alcohol, Tobacco and Firearms, and the U.S. Department of Justice have investigated and prosecuted many persons for transporting and

selling illegal fireworks devices; nevertheless, many such illegal devices and the kits to build them continue to elude such efforts at interdiction; and

WHEREAS, while the state of Tennessee does not have a uniform, statewide law on fireworks sales and usage, Tennessee Code Annotated, Section 68-104-102, states that: "*It is unlawful for any person to manufacture, sell, offer for sale, ship or cause to be shipped or receive into or within this state, except as herein provided, any item of fireworks, without having secured the required applicable permit, as manufacturer, distributor, wholesaler, retailer or seasonal retailer, from the state fire marshal.*" The requirement applies to nonresidents as well as residents, and mail orders by consumers are prohibited; and

WHEREAS, children are particularly attracted to fireworks and are especially vulnerable to those dangerous items banned under federal law, which can inflict serious injury involving loss of limbs, vision and hearing; and even the unsupervised use by children of fireworks now permitted under law should be discouraged; and

WHEREAS, it is in the best interest of this state to promote safety in the sale and use of permitted fireworks, and to eliminate commerce by unauthorized dealers of both banned and legal fireworks; such action is important to the safety of the children of this state; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED SECOND GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, That there is hereby created a Special House Committee to study fireworks safety in Tennessee, particularly focusing upon the safety of children and the illegal sale of banned fireworks.

BE IT FURTHER RESOLVED, That the committee shall consist of five (5) members of the House of Representatives, to be appointed by the Speaker of the House.

BE IT FURTHER RESOLVED, That all appropriate state agencies shall provide assistance to the Special House Committee upon request of the Chair.

BE IT FURTHER RESOLVED, That all members of the committee who are duly elected members of the General Assembly shall remain members of such committee until the committee reports its findings and recommendations to the General Assembly.

BE IT FURTHER RESOLVED, That the committee shall be convened by the member with the most years of continuous service in the General Assembly; and at its first meeting shall elect a Chair, Vice Chair, and such other officers as the committee deems necessary.

BE IT FURTHER RESOLVED, That the committee shall timely report its findings and recommendations, including any proposed legislation, to the One Hundred Second General Assembly no later than February 1, 2002, at which time the committee shall cease to exist.